

Ex B

Mike Nelson Pro Se

Temporary Address: POB 761 Wakefield RI 02880

Docket Number: 06-3714-cv

Short Title: Renzello v. Nelson

DC Docket Number: 05-cv-153

DC: DISTRICT OF VERMONT (BRATTLEBORO)

DC Judge: Honorable J. Murtha

Plaintiff - Appealee: Damian Renzello

Defendant- Appealant: Mike Nelson

Motion for Inclusion of the Attached (annexed hereto) EVIDENCE and requests under Motion for Writ of Mandamus for various Court Cases in inferior Courts located within the Jurisdiction of the Second Circuit which PROVE ownership in the Corporation Damain J. Prodcuts by the Defendant – Appealant and further demonstrate an on-going Pattern of Theft by the Plaintiff - Appealle

I Mike Nelson the Defendant in this frivolous and malicious matter brought by the Perjurer Renzello, which the court states has made meritless claims, does hereby appear via this SPECIAL Appearance and request as follows:

I file this Motion for the inclusion of evidence in this Docket Number 06-3714-cv, for later reference in briefs and motions to be filed as they directly relate to substantial Federal Law and Case Precedents which are the matter of numerous appeals now pending before this honorable Court. In addition the evidence provided herein some has been provided during the Evidentiary hearing held in March of 2006, in the US District of Vermont and DOES NOT appear on the Docket sheet nor in this appeal, this evidence annexed hereto MUST be included in this appeal as a matter of fairness and JUSTICE; this evidence is in the PUBLIC's INTEREST as certain annexed hereto evidence clearly demonstrates Federal Fraud by the Plaintiff.

I again formally request a copy of the transcript of the March 2006, evidentiary hearing be provided forthwith to my person and legal counsel to be appointed to present my case to the US Court of Appeals for the Second Circuit. Within this transcript of the March 2006, evidentiary hearing the transcript will clearly show wherein I formally requested in open court for a *Writ of Mandamus*, to be issued by

Judge John Garvan Murtha. The transcript should indicate wherein Judge John Garvan Murtha's response was to the effect: "He never heard of such a thing". I formally note herein for the record that a Writ of Mandamus is the name of a writ, the principal word of which when the proceedings were in Latin was "mandamus", (We Command). More specifically a writ of Mandamus is required for a complete record of Washington Superior Court of Vermont, Case Docket Number: 625-10-02-Wncv; case of My Buddy Inc. v. Damian J. Renzello (Plaintiff – Appellee); Damian J. Products LLC and My Work Buddy LLC; specifically it was my averment during the proceedings in March of 2006, that I am a minority shareholder in the corporation Damain J. Products, I filed annexed hereto Exhibit A, a letter from attorney David Bookchin, to the Clerk of the Vermont Washington County Superior Court dated 18 November 2002, which clearly refers to an objection made by Bookchin to Damian J. Products and My Work Buddy being represented pro-se, through one of it's members; it was further my averment that I am the PRO SE person who was representing these entities as one of the members of said entities. This is of critical importance in that documents of the Case Number: 625-10-02-Wncv, clearly demonstrate that I (Michael E. Nelson) am a minority shareholder of the legal entity Damian J. Products.

The legal entity Damian J. Products is the rightful owner of trademarks in dispute in this action. Exhibit B, is a true and correct copy of three (3) pages of the website www.PortaRinxandBambini.com which clearly shows that the three "disputed" marks are the property of Damian J. Products LLC, to which the documents of Vermont Washington County Superior Court Case Number: 625-10-02 Wncv clearly demonstrate. A Writ of Mandamus is correct and proper to PREVENT disorder and FAILURE of Justice! The 13th section of the act of congress of Sept. 24th 1789, give the Supreme Court and District Courts power to issue writs of mandamus in cases warranted. This case certainly warrants the issuance of a writ of mandamus, especially given the statement by presiding Jurist John Garvan Murtha of the US District of Vermont that he "had no idea what that is". Other information in the complete record of Vermont Washington County Superior Court

Case Number: 625-10-02 Wncv, case of My Buddy Inc. v. Damian J. Renzello (Plaintiff – Appellee); Damian J. Products LLC and My Work Budy LLC; will as averment as been previously made and well plead demonstrate the propensity and pattern of deception orchestrated by Damian J. Renzello in the theft of money, resources and intellectual property using FORGED, ALTERED and MANIPULATED documents. The case referenced herein above in this paragraph which was presided over by Vermont Superior Court Judge Mary Teachout, certainly confirms my (Michael E. Nelson's) ownership in Damian J. Products and thus the marks in question. This is a case of a business partnership dispute NOT one of cybersquatting or other charges against a non-owner. Without a Writ of Mandamus the RIGHTS and INTERESTS of my person (Michael E. Nelson) and certainly the American Public will be forever severely violated.

Please insure my court appointed attorney receives a certified copy of the court case of Docket Number: 625-10-02 Wncv as referenced herein above a case residing in Vermont Washington County Superior court, a court which is an inferior Court to this the US Court of Appeals for the Second Circuit, thus such a writ of mandamus is proper and prudent in the interests of orderly adjudication of Justice.

Exhibit C, annexed hereto is three (3) pages of news articles relating to Damian J. Renzello, they directly relate to other litigation in which Renzello sued the STATE OF VERMONT over trademark issues for the purposes of financial gain. I am unable to find the court cases these articles reference on my own and therefore request the assistance of the US Court of Appeals with the issuance of another Writ of Mandamus to the Courts of the State of Vermont for the production of said Court Cases, as these cases directly relate to issues at law and case precedent sought under appeal, in this appeal before the US Court of Appeals in Docket: 06-3714-cv

Exhibit D, is the 2004, Schedule C (form 1040) filed by Damian J. Renzello in support of his IFP affidavit requested to be filed by Judge John Garvan Murtha, after the March 2006, evidentiary hearing, this six (6) page tax return is of

CRITICAL IMPORTANCE as to **Tax EVASION** and **THEFT** from the American People by Renzello and proves without a question that Renzello **DEFRAUDED** the US Treasury and IRS and thus the Federal Government of these the United States of America, specifically page two (2) of the annexed hereto Exhibit D, will be heavily referenced in legal briefs to be filed; together with the annexed hereto Exhibit E, the 2005, Schedule C (form 1040) of Damian J. Renzello also filed per the requests of Judge John Garvan Murtha after the March 2006, evidentiary hearing. Both Exhibits D and E, each six (6) pages in length, clearly demonstrate, fraudulent tax returns filed by Renzello, specifically as will be plead and so stated in briefs with appropriate Federal Law and Case Law the “trial court” the US District of Vermont **FAILED** to properly take Judicial Notice, pursuant with Rule 201, of adjudicative facts, under Rule 201(d) **WHEN MANDATORY**: “A Court **SHALL** take judicial notice if requested by a party and supplied with necessary information”. The filings made in retort (response), by the Appeallant (Nelson) to these tax returns certainly made the requisite request as covered under Rule 201(d), more specifically page two (2) of each Exhibits D and E, refer to the number of miles driven each year for business, being exactly 50,000 despite the sworn IFP affidavit of only a five (5) month work year for **RENZELLO**, briefs to be filed will reference a plethora of other evidence on Exhibits D and E annexed hereto, therefore I formally request certified copies from the US District of Vermont to be sent forthwith to the US Court of Appeals under a Writ of Mandamus to be filed by the US Court of Appeals in the interests of orderly Justice and the Public Interest.

Exhibit F, annexed hereto is a Business Banking Statement submitted by Damian J. Renzello, in response to requests by Judge John Garvan Murtha. Again responses by me (Michael E. Nelson – Appeallant) met the requisite requirement under Rule 201(d) for a mandated Judicial Notice of the Bank Statement which clearly indicates sizeable **ALL CASH** with-drawls by Renzello amounting to more than \$600 USD weeks prior to his claim of poverty in his IFP affidavit. Further-more, the location of with-drawls made and the evidence submitted in Papers 22, and the **NON-Reviewed Evidence** of now docketed paper 96, clearly demonstrate Renzello purchased a

BRAND-NEW Luxury Harley Davidson Motorcycle just weeks prior to his claim of poverty, despite tax returns which claim negative earnings and the luxury motorcycle was not listed on the IFP affidavit! Legal briefs will present evidence a bar licensed attorney worked to cover-up the evidence submitted in Papers 22 and now non-reviewed document 96; certain ethics charges will need to be brought against this very young member of the bar and possible attachment to Qui Tam Litigation as a co-conspirator to Federal Fraud!

Exhibit G, is a letter that was sent to Damian J. Renzello on the 10th of August 2005, this letter will be referenced in legal briefs and related to case law and precedents.

Exhibit H, is a letter to John Fiore, who I am in constant fear of to this day. John Fiore is believed to have committed MURDERS in the city of Boston, the capital of the Common Wealth of Massachusetts. This letter and witness statements and/or testimony of Federal Agents and Officers must be taken pursuant with Rule 201(d), especially given the total failure of the "trial court" the US District of Vermont presided over by Judge John Garvan Murtha to take proper Judicial Notice of certain facts in violation of Rule 201(d), and thus take the oral testimony of Federal Agents of the Federal Bureau of Investigation as would be prudent in the administration of Justice to preserve human life in the midst of death threats and more murder for hire plots; given the averment John Fiore has MURDERED at least one human being it is in the interests of the Public at Large and public safety for the US Court of Appeals to review said documents and testimony of Federal Officers ensuring the safety and welfare of all US Citizens.

Exhibit I, is a copy of a news article which references a "hidden docketing system" for the Federal Courts, which has kept hundreds of cases shrouded in the nation's capitol. I am deeply concerned that since I have notified the US District of Vermont of difficulties with my living situation and my mail and recent notifications regarding non-receipt of mail and many unanswered phone calls going to a Deputy Clerk of the US Court of Appeals for the Second Circuit, and the FACT this Case

the appeal Docket Number: 06-3714-cv, does not appear on any PACER, searches that this appeal is not properly docketed and is not going forward because it is being “shrouded” from the public eye. If the case / appeal is being protected by order of DOJ personnel due to Public Corruption investigations regarding the known organized criminal John Fiore and certain law enforcement and court personnel then I formally request I be so notified. I further request that some sort of communication from the US Court of Appeals be forth coming to my person at the temporary address listed and so registered with the US District of Vermont, for my person so that I can rest assured that I will have the opportunity for my case to be heard on appeal and that my case does not become a case placed upon one of the “hidden docketing system(s)” of the US Federal Court System as the article annexed hereto as Exhibit I, so references was discovered by The Reporters Committee for Freedom of the Press.

I thank you for the expeditious review of this Motion and for the issuance of the requested Writs as they are proper to the orderly administration of Justice in the public interest and to reverse the severe wrong perpetrated by the biased Jurist John Garvan Murtha and thus so mandates the proper discovery and hearings on recusal as are warranted and guided under the plethora of well plead case law and precedents in now filed Paper 99.

Prayer for relief is that the requested and motion contained herein above be taken in it's entirety and proper evidence as submitted and incorporated herein above and below and certainly annexed hereto be filed and thus docketed to the record of this appeal with certified copies of each being requested and thus delivered from the US District of Vermont to the US Court of Appeals for the Second Circuit so that proper reference can be so made to the evidence as it relates to substantial Federal Laws, Statutes and regulations as well as Rules and Case Law and precedents.

I further request AGAIN appointment of legal counsel to help guide me through this overly complicated process so that I can receive JUSTICE and fair hearings and trials if this and other cases are to proceed.

If this Motion is denied I request immediate leave to file MOTION with Ruth Bader-Ginsburg the Supreme Court Justice assigned to the Second Circuit.

Thank you,

Respectfully Submitted,

Mike Nelson
Pro Se - Appeallant

Begging for inclusion of the evidence annexed hereto for later reference in legal briefs and for Writs of Mandamus to be issued insuring the orderly administration of Justice in the Public Interest.

Certificate of Service/Affirmation of Service:

I certify I have mailed a true and correct copy of the foregoing to the Mailing address and name Damian J. Renzello the Perjurer Plaintiff in this matter to the address postage paid mail to: Damien J. Renzello 1325 Route 14 South East Montpelier Vermont 05651, which the Perjurer Plaintiff claims to be his mailing address by virtue of having sent mail to me from this address during these proceedings, including DIRECT DEATH THREATS as fully noted in Paper 72, of this cause.

Mike Nelson
Pro Se
4075 South Durango Road Suite # 111-57
Las Vegas NV 89147

Temporary Address: POB 761 Wakefield RI 02880

phone: 401-783-6858 (my parents phone number, blocked, private, and unavailable calls are not accepted due to continued telephonic death threat harassment!)